

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/05/00

AGENDA ITEM

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Final Tract Map 4609 – DeNova Homes (Subdivider) – Approve the Amended Final Map and Authorize the City Manager to Execute a Subdivision Agreement and Accept Improvements upon Completion

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution:

1. Finding the negative declaration adequate and complete;
2. Finding the amended final map in substantial conformance with the tentative map and the conditions of approval thereof; and
3. Authorizing the City Manager to execute the subdivision agreement covering the installation of the required improvements.

BACKGROUND:

On May 19, 1981, the City Council approved Tentative Tract Map 4609 for development off 30 single-family residences south of Garin Avenue and opposite Clearbrook Circle. The conditions of approval eventually required that the Garin Reservoir, Pump Station, and Water System be constructed before the property could be developed. These improvements were not completed until 1996, which is the primary reason for delay in constructing this tract. On May 15, 1984, the City Council approved the original final map although that final map was never recorded, pending resolution of the water supply issue. The project site was substantially disturbed from rough grading operations conducted in 1989. The property eventually went into foreclosure and was sold recently by Sanwa Bank to DeNova Homes.

Since 1981, several geotechnical investigations have been undertaken that mapped four landslides on the site and located the Hayward fault, which is near the western margin off the site. The last geotechnical report was peer reviewed and finalized in 1998 and formed the basis for most of the revisions to the original grading plan and the final map. The report recommendations identified some minor landslide areas and required removal and replacement with engineered fill. It also identified remedial work to modify the grading done in 1989. These remedial measures included re-excavation of a major keyway and the placement of numerous underground drains. The geotechnical engineer has reviewed and approved the final grading plans as being consistent with recommendations in his geotechnical report.

The 30 lots originally approved with the final map were all at least 20,000 square feet and featured lots of comparatively uniform size. At that time, the zoning was RSB20, which requires lots of at least 20,000 square feet. Since that time, the zoning has changed to RSB PO, which requires lots of at least 10,000 square feet. This reduction in minimum lot size has resulted in the ability of the developer to redesign the same 30 lots, but of varying sizes that more closely respect the topography and that adhere to the City's Hillside Design Guidelines adopted in 1993. For example, lots now range in size from 11,282 square feet to 1.8 acres, with the average lot size being 22,866 square feet. The tract design has been modified so that the lots avoid the steepest slopes and grading will be minimized on the lower part off the hillside. The street system is also now more curvilinear to better match the topography, and the house pads are stepped, as required by the City's Hillside Design Guidelines. An amended tract map is appropriate due to the changed circumstances and, in staff's opinion, the revised map is a significant improvement over the 1984 design.

New studies have identified that there is a total of approximately 0.12 acres of seasonal wetlands on the site. The revised project has been designed to avoid impacts to the wetlands to the greatest extent practicable. However, because of the need to stabilize the slopes with remedial grading, there will be a loss of 0.05 acres of wetlands. The developer, with the California Department of Fish and Game's concurrence, will create 0.10 acres of replacement wetlands on the site.

According to the most recent biological study, there is no potential impact for threatened and endangered species. The biologist specifically field reviewed the site for red-legged frogs, Alameda whipsnakes, red-tailed hawks, Golden eagles, and burrowing owls and found none, nor was any suitable habitat found.

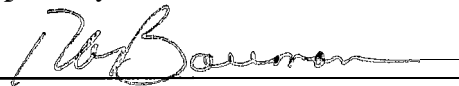
Staff has prepared and properly noticed the attached initial study and negative declaration for the amendment to the final map and recommends Council approval.

In anticipation that the grading will begin on September 6, 2000, a public information meeting was held August 30, 2000. At the meeting, the geotechnical engineer explained that substantial re-grading is necessary to make modifications to the previous grading and that there will be no hauling of dirt to or from the site. While only two residents from the adjacent new development attended (in part because the developer had held an earlier information meeting in April), they were both very supportive of the project and suggested that if the grading working hours could be extended, it might reduce the overall duration of impact on the neighborhood.

In the near future, the site building plans will be reviewed by the Planning Commission to ensure that the residences conform to the City's Hayward Design Guidelines and the Hillside Design Guidelines. However, the developer wishes to begin grading immediately to complete as much as possible of the remedial grading prior to the onset of the rainy season. Grading is anticipated to take approximately three months and, thus, it is likely that the work may have to be suspended and the planned storm water protection measures implemented.

The amended final map was reviewed by the City Engineer and was found to be in substantial compliance with the original tentative map and in conformance with the Subdivision Map Act and provisions of local ordinances. Because this is an amendment of a previously approved final map, approval is a ministerial act, similar to Council's approval of final maps, and is not subject to Council discretion as long as the amended map is in conformance with the original tentative map. The attached resolution includes recommended findings for approval of the amended final map. The developer has submitted the subdivision improvement plans and has posted a security for faithful performance of the improvements in the amount of \$713,962 and an equal amount for labor and materials. The streets within the subdivision will be private and maintained by a homeowner's association.

Prepared by :




Robert A. Bauman, Deputy Director of Public Works

Recommended by:



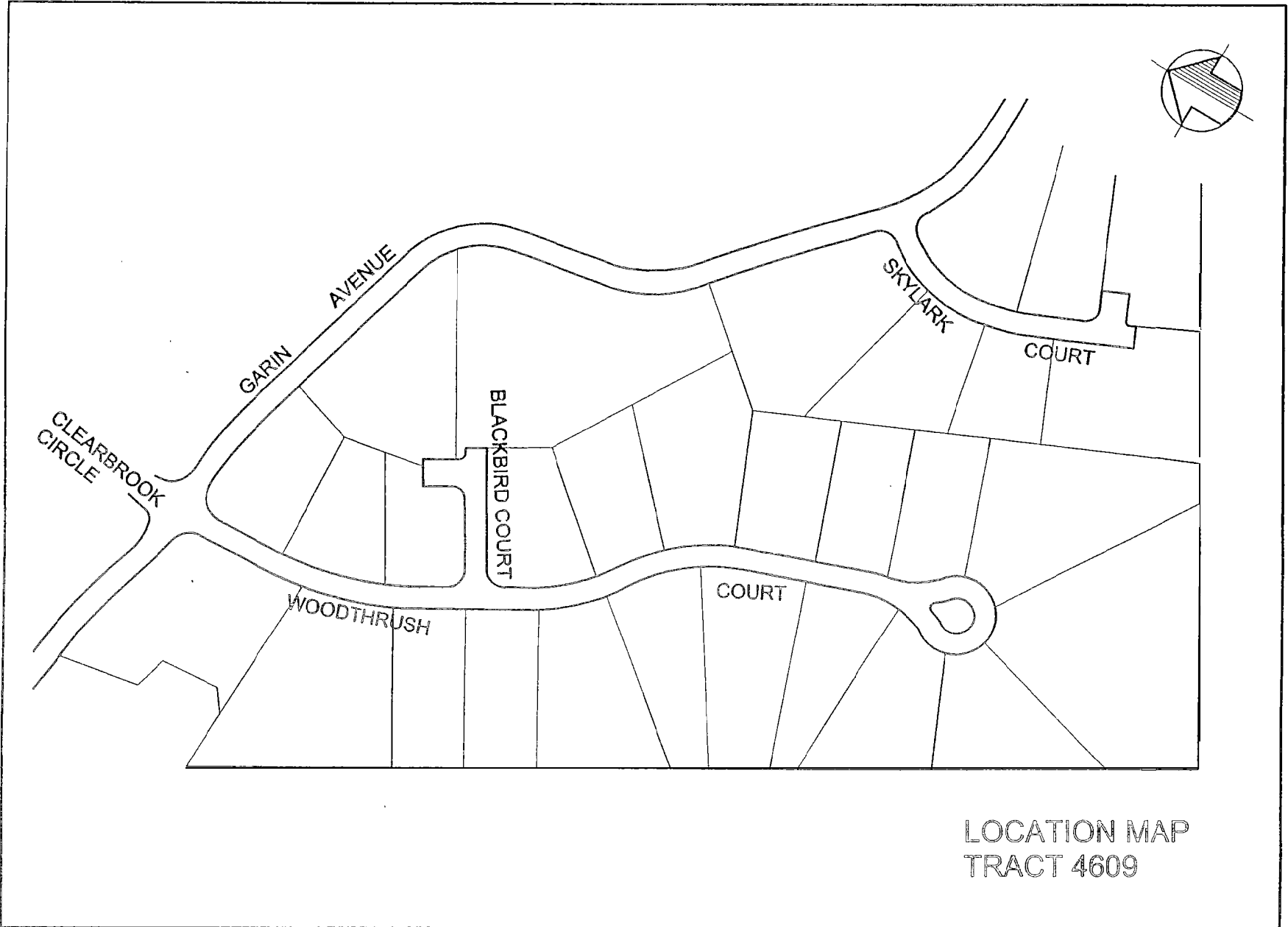
Dennis L. Butler, Director of Public Works

Approved by:



Jesus Armas, City Manager

Attachments: Exhibit A: Area Map
 Exhibit B: Grading Plan
 Exhibit C: Negative Declaration



GRADING PLAN

TRACT 4609

**Due to the length of Exhibit
“C”, it is not available for
viewing on the website. The
report, in its entirety, is
available and on file at the
Library and in the City
Clerk’s Office.**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING AND CERTIFYING AS
COMPLETE THE MITIGATED NEGATIVE DECLARATION
AND AMENDED FINAL MAP FOR TRACT 4609, DENOVA
HOMES, AND AUTHORIZING THE CITY MANAGER TO
EXECUTE A SUBDIVISION AGREEMENT

WHEREAS, there has been presented to the City Council of the City of Hayward an amended final map for Tract 4609, DeNova Homes, for the development of 30 single family residences south of Garin Avenue and opposite Clearbrook Circle; and

WHEREAS, the City Engineer has determined that the amended final map is substantially in conformance with the tentative map approved for the subdivision; and

WHEREAS, the City Engineer has recommended approval of the amended final map.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds changed circumstances have made amendments to the previously approved final map necessary and that the development and the proposed amended map are consistent with the general and specific plans for the area, that the proposed development and density are suitable for the site, that the design of the subdivision will not cause serious public health problems and will not substantially damage the environment or injure fish or wildlife or their habitat, and that the design of the subdivision will not conflict with public easements for access through, or use of, property within the proposed subdivision.

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward does hereby certify and approve the mitigated negative declaration as adequate and complete, approves the mitigation monitoring plan prepared by the City Engineer, and finds that the amended final map for Tract 4609 is in substantial conformance with the tentative map and does hereby approve the amended final map.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to execute a subdivision agreement in a form approved by the City Attorney, and to execute any and all documents necessary to complete the installation of the required improvements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward